

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THOMAS LE'ROY HENNAGAN, JR.,

[1:02-cv-06097-AWI-SMS-P](#)

Plaintiff,

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS** (Doc. 94)

vs.

GAIL LEWIS, et al.,

**ORDER GRANTING MOTION FOR
SUMMARY JUDGMENT** (Doc. 77)

Defendants.

Plaintiff, Thomas Le'Roy Hennagan, Jr. ("plaintiff"), is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On May 13, 2005, the Magistrate Judge filed [Findings and Recommendations](#) herein which were served on the parties and which contained notice to the parties that any objections to the Findings and Recommendations were to be filed within thirty (30) days. On June 13, 2005, plaintiff file a motion to extend time. On July 8, 2005, the court granted plaintiff an additional thirty (30) days within which to respond. On August 11, 2005, plaintiff filed objections to the Magistrate Judge's Findings and

1 Recommendations.

2 In accordance with the provisions of 28 U.S.C.
3 § 636(b)(1)(C) and Local Rule 73-305, this Court has conducted a
4 de novo review of this case. Having carefully reviewed the
5 entire file, the Court finds the Findings and Recommendations to
6 be supported by the record and by proper analysis. Plaintiff has
7 failed to raise a disputed issue of fact on whether he was
8 treated differently than other prisoners and there was no
9 rational basis for the difference in treatment or Defendants' acted
10 with a discriminatory motive. See Village of Willowbrook v.
11 Olech, 528 U.S. 562, 564 (2000); Freeman v. City of Santa Ana,
12 68 F.3d 1180, 1187 (9th Cir. 1995).

13 Accordingly, IT IS HEREBY ORDERED that:

14 1. The Findings and Recommendations, filed May 13, 2005,
15 are ADOPTED IN FULL;

16 2. Defendants' motion for summary judgment on plaintiff's
17 Eighth Amendment claim against all defendants, filed July 14,
18 2004, is GRANTED;

19 3. Supplemental jurisdiction over the pendent state law
20 claim on the basis of dismissal of the Eighth Amendment claim
21 will not be exercised; and

22 4. The Clerk of the Court is DIRECTED to enter judgment.

23 IT IS SO ORDERED.

24 Dated: August 30, 2005
25 Om8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE